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a floodplain management newsletter

Volume 31

March 1988

Channelization projects—design with care

As a local floodplain administrator you may receive a permit application to channelize a stream where space is limited and there is pressure for development. Unless properly designed and constructed, even a short channel alteration can disrupt a stream's stability for many miles upstream and down. Severe erosion can result, which may prevent irrigators from getting water, or banks may slough and put homes in jeopardy of collapsing.

Adjacent communities that may be affected must be given opportunity to review channel modification proposals. The DNRC and FEMA must also be notified. This is a requirement for participation in the National Flood Insurance Program (NFIP) and rules adopted by the Montana Board of Natural Resources and Conservation. The intent is to provide for a thorough review to prevent problems from occurring as a result of the channel changes. You should also be aware there may be other permits required for stream alterations.

Big Pipestone Creek near Whitehall in Jefferson County is an example of what can happen. A rancher just above the town of Whitehall straightened a portion of the creek to increase the size of his hay meadow. The straightening shortened the channel and increased the slope. The stream began headcutting immediately after the work was



The effects of bank erosion (top photo) and headcutting (bottom photo) are shown on the Big Pipestone Creek drainage near Whitehall.



performed. Much of the material that was scoured from the streambank and bottom was deposited in the lower reaches near where Big Pipestone Creek enters the Jefferson River. The channel capacity as it flows through Whitehall was seriously reduced to the point where even minor floods overflow the banks.

Channelization caused trouble in Spring Creek near Lewistown. A trailer court owner straightened a reach of Spring Creek in order to add more spaces to his trailer court. Erosion and headcutting resulted upstream, with deposition downstream. Up to three quarters of a million dollars of taxpayers' money has been spent to correct the problems. Not only does the public pay directly for mitigative measures; there is a hidden loss of fish habitat and recreational use.

It is vital that channel alterations be properly designed and constructed. The original slope and channel length should be maintained whenever possible or hydraulic check structures should be incorporated into the design to prevent headcutting. Adequate erosion control measures should be part of the project to protect exposed banks. A qualified engineer and/or stream morphologist should be retained by the permit applicant to design the project and oversee construction.

The community rating system: a reward for good floodplain management

The Federal Emergency Management Agency is studying the development of a community rating system as part of the National Flood Insurance Program. Flood insurance premiums would be reduced if a community implements floodplain management activities that go beyond the national requirements. Communities in Montana could benefit from the voluntary rating system because Montana floodplain law and local ordinances exceed minimum national requirements.

The goals for the community rating program are to reduce flood losses, facilitate accurate flood insurance rating, and increase awareness about flood insurance. The proposed rating program would have two parts. The first part would grade a community's floodplain management program and then determine applicable flood insurance rates. The second part would apply an insurance rate ceiling for structures built or improved according to the local floodplain management ordinance.

A task force appointed to develop the rating system drafted the following criteria for rating floodplain management programs.

(continued at far right)

Short cuts to clearing up

One of the more difficult aspects of a local floodplain management program is following through on violations once they are discovered. This is where a good program can get bogged down. There are several people involved in pursuing a violation. If one person is not able to carry through his part of the process, the violator is never penalized.

Action on violations is initiated by the floodplain administrator who fills out a complaint concerning the violation. The

complaint then goes to the city or county attorney. The attorney fills out a summons and presents the complaint and the summons to the judge. The judge witnesses the attorney's signature on the complaint and signs the summons to be served by the sheriff. This can be a time-consuming process when the people involved are overloaded with work. Often floodplain violations are given a low priority.

The Central Montana Health District Office has found a way to shorten the process

IN THE JUSTICE COURT IN THE COUNTY OF FERGUS, STATE OF MONTANA
BEFORE THE HONORABLE _____, JUSTICE OF THE PEACE

* * * * *

THE STATE OF MONTANA,
Plaintiff,
-vs-
James Smith _____,
Defendant.

No. _____

* * * * *

SUMMONS

THE STATE OF MONTANA TO DEFENDANT James Smith _____:

Complaint upon oath having been this day made before me by John B. Good, Floodplain Administrator Fergus County, Montana, that the crime of placing a mobile (manufactured) home in the designated floodway in violation of ordinance 000 and A.R.M. 36.15.605 pursuant to M.C.A. 76-5-403 has been committed, and accusing the above-named Defendant thereof, you are hereby summoned to appear before the Court at the hour of _____ o'clock ___ A.M., of the ___ day of ___, 19___, City of Lewistown, Montana, for initial appearance in this cause.

Failure to appear at that time and place will be cause for issuance of a warrant for your arrest.

DATED this ___ day of _____, 19____.

JUSTICE OF THE PEACE

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I served the above summons on the above-named Defendant on the ___ day of ___, 19___, at _____, Montana.

Sheriff

By: _____
Deputy Sheriff

• floodplain violations

of pursuing violations. Ken Smith, the director, has set up a process to pursue health violations. Ken has worked with the county attorney and local magistrate to develop complaint and summons forms. When Ken discovers a violation he fills out a complaint and summons form. He then goes directly to the judge with these forms and saves the time of going through the county attorney. All the judge has to do is witness Ken's signature on the complaint form and sign the summons. The summons can be served by the sheriff or

any city/county employee over 18 years old. Floodplain violations could be handled in this same manner. This process is a real time saver. An initial investment of time is needed to meet with the local judge and the city or county attorney to explain this process and to develop the complaint and summons forms. The format used by the Central Montana Health District is shown in this issue. The sample forms show how they could be used for floodplain violations.

Exceed national standards for new development—enforce floodplain regulations more restrictive than those of the National Flood Insurance Program.

Exceed national standards for existing development—enforce more restrictive “substantial improvements” regulations for improving existing buildings or repairing damaged buildings.

Elevation certificates—provide completed elevation certificates and make them readily available for flood insurance rating purposes.

Disclosure requirements—a local ordinance or a state law would require sellers of property or realtors to advise prospective purchasers that a property has a flood hazard.

Public information programs—receive credit for advising people about the flood hazard, the availability of flood insurance, and flood protection methods.

Program to reduce repetitive damages—prepare and implement a comprehensive mitigation plan that deals with repetitive flooding or drainage problems.

Maintenance of existing structural flood protection projects—a community with an existing levee or reservoir (not already credited as providing base flood protection) would demonstrate that it is properly maintained and operated.

Channel maintenance program—get credit for ensuring that obstructions and potential obstruction to flood flows are removed or prevented.

Stormwater management program—enforce an ordinance to ensure that plans for new developments allow for increased stormwater runoff.

Flood warning and response program—prepare a comprehensive flood warning and response plan.

High risk flood hazard mitigation program—prepare and implement a comprehensive mitigation plan that addresses a community's special hazard (those not currently mapped or regulated under the local flood plain management program, such as alluvial fans, rising lake levels, flash floods, and ice jams).

The community rating system seeks to provide an economic incentive for property owners to reduce flood damage risks. The Federal Emergency Management Agency wants to foster positive community action to cut federal losses from disaster relief, flood insurance claims, and income tax write-offs.

IN THE JUSTICE COURT OF _____ COUNTY
STATE OF MONTANA

Before _____, Justice of the Peace

THE STATE OF MONTANA,) Case No. _____
Plaintiff,)
-vs-)
James Smith,)
Defendant)
STATE OF MONTANA) ss:
County of _____)

PERSONALLY APPEARED before me this _____ day of _____,
19_____, John B. Good, Floodplain Administrator,
who, being first duly sworn according to law, complains and says:

The above-named defendant is accused by this complaint of the misdemeanor offense of placing a mobile home in the floodway in violation of ordinance 000 and A.R.M. 36.15.605 pursuant to M.C.A. 76-5-403.

The facts constituting the offense and the facts given probable cause to believe the defendant committed it are: That the said James Smith did, on or about the 14 day of February, 1988, at the county of _____, in the State of Montana, did place a mobile (manufactured) home in the designated floodway in violation of ordinance 000 and A.R.M. 36.15.605 pursuant to M.C.A. 76-5-403, contrary to form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Montana.

SAID COMPLAINANT THEREFORE PRAYS that the said defendant be summoned before this court such that he may be dealt with according to law.

SUBSCRIBED AND SWORN to before me this day of , 19 .

JUSTICE OF THE PEACE

Floodplain management workshops

We would like to thank everyone who responded to our workshop survey. The information was very helpful.

Our budget limits us to three workshops so we will not be able to accommodate all the locations requested in the survey. Workshops will be held in late May or early June in Helena, Havre, and Billings.

The workshops will include a presentation by the Corps of Engineers on their assistance programs for floodplain management and flood control projects. A representative from the Federal Emergency Management Agency will give a presentation on floodplain mapping including map development, interpretation,

revisions, and amendments, and will speak on national flood insurance. The DNRC will give a slide presentation on permitting structures in flood zones without 100-year-flood elevations. An attorney from DNRC's legal staff will discuss the supreme court "Lutherberg" case and answer questions about liability and other legal issues. There will be a brief discussion on the formation of a Montana state association of floodplain managers.

The workshops will be scheduled from 9:00 A.M. to 4:00 P.M. We will be sending out brochures with more details including workshop dates and locations.

Floodplain Management Section Staff:

John Hamill, Supervisor

Deeda Richard, Floodplain Community Assistance Coordinator and Newsletter Editor

Phone: (406) 444-6646/6654/6655

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**Floodplain Management Section
Montana Department of Natural
Resources and Conservation
1520 East Sixth Avenue
Helena, MT 59620-2301**